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11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

14 UNITED STATES FOR THE USE
15 AND BENEFIT OF AGATE STEEL,
16 INC.; AGATE STEEL, INC., an
17 Arizona corporation,

16 Plaintiffs,

17 vs.

18 JAYNES CORPORATION, a New
19 Mexico corporation; WESTERN
20 SURETY COMPANY, a South Dakota
21 corporation,

20 Defendants.

21 JAYNES CORPORATION, a New
22 Mexico corporation,

23 Third-Party Plaintiff,

24 vs.

25 AMERICAN STEEL CORPORATION,
26 an Arizona corporation, THE OHIO
27 CASUALTY INSURANCE
28 COMPANY, a foreign corporation,

27 Third-Party Defendants.

CASE NO. 2:13-cv-01907-APG-NJK

**STIPULATION AND
ORDER TO CONTINUE BRIEFING
SCHEDULE ON ALL PENDING
MOTIONS**

(Third Request)

1 UNITED STATES FOR THE USE
2 AND BENEFIT OF AMERICAN
3 STEEL CORPORATION, an Arizona
corporation,

4 Third-Party Defendants/
Cross-Claimants

5 vs.

6 JAYNES CORPORATION, a New
Mexico corporation, AMERICAN
7 STEEL CORPORATION, an Arizona
corporation, THE OHIO CASUALTY
8 INSURANCE COMPANY, a foreign
corporation,

9 Third-Party Cross-Defendants.
10

11 Defendants/Third-Party Plaintiff Jaynes Corporation and Defendant Western
12 Surety Company (collectively “Jaynes”) and Third-Party Defendants American Steel
13 Corp. and The Ohio Casualty Insurance Company (collectively, “American Steel”), by
14 and through their respective counsel (“the Parties”), hereby file this Stipulation and
15 [Proposed] Order to Continue Briefing Schedule on All Pending Motions. This request
16 complies with Local Rule (“LR”) 6-1 and 7-1. The litigation of this matter will be best
17 served by the proposed extension.

18 The following motions are currently pending:

- 19 ○ Jaynes’ Motion to Strike American Steel’s Expert Designation (“Motion to
20 Strike”) [dkt. 104]
- 21 ○ Jaynes’ Motion for Partial Summary Judgment re American Steel’s
22 Damages [dkt. 106]
- 23 ○ Jaynes’ Motion for Partial Summary Judgment re Obligation to Defend and
24 Indemnify [dkt. 110] and
- 25 ○ American Steel’s Motion for Partial Summary Judgment re Bond Claims
26 [dkt.117].

27 The Court previously granted the Parties’ Stipulation to Continuing Briefing on these
28 motions [dkt. 130] to allow the Parties to complete several depositions.

I. REQUEST FOR CONTINUED BRIEFING DEADLINES

American Steel and Jaynes have recently completed several lay and expert depositions that required preparation and out of town travel for all counsel. The Parties cooperated to schedule depositions in such a manner to accommodate the witness' and experts' schedule availability and location preference. The Parties intend to use the deposition transcripts to prepare their responses to the pending motions. However, not all of the transcripts are available. Additionally, American Steel and Jaynes are still engaged in discussions that may facilitate settlement. Accordingly, American Steel and Jaynes desire to continue the current briefing schedule and to extend the deadline for filing dispositive motions. Agate's counsel does not object to the requested continuance.

II. PROPOSED NEW DEADLINES

A. Jaynes' Motion to Strike American Steel's Expert Designation [Dkt. 104]:

Opposition currently: October 8, 2015
Opposition proposed: October 19, 2015

Reply currently: October 19, 2015
Reply proposed: October 30, 2015

B. Jaynes' Motion for Partial Summary Judgment re American Steel's Damages [Dkt. 106] and Motion for Partial Summary Judgment re Obligation to Defend and Indemnify [Dkt. 110]:

Opposition currently: October 8, 2015
Opposition proposed: October 19, 2015

Reply currently: October 26, 2015
Reply proposed: November 6, 2015

C. American Steel and Ohio's Motion for Partial Summary Judgment Against Jaynes Corporation Re: Bond Claims [Dkt. 117]:

Opposition currently: October 14, 2015
Opposition proposed: October 21, 2015

Reply currently: November 2, 2015
Reply proposed: November 13, 2015

D. Deadline for filing Dispositive Motions:

Current Deadline: October 14, 2015

Proposed Deadline: October 26, 2015

III. CONCLUSION

For the foregoing reasons, the Parties respectfully request that the Court grant their short continuance to the briefing schedule on all pending motions.

DATED this 6th day of October, 2015.

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Attorney for U.S. ex rel. Agate Steel, Inc.
and Agate Steel, Inc.**ORDER**

IS IT SO ORDERED.

Dated: October 7, 2015.



UNITED STATES DISTRICT JUDGE